

HOUSE BILL 3112
By Bowers

AN ACT to amend Tennessee Code Annotated, Title 36, relative to child support.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(e)(4), is amended by deleting the subdivision and by substituting instead the following:

(4)(A)(i) In addition to any other subtractions, calculations of net income under the guidelines shall take into consideration the support of any other children the obligor is legally responsible to provide. Children of the obligor who are not included in a decree of child support, but for whom the obligor is legally responsible to provide support and is supporting, shall be considered for the purposes of reducing the obligor's net income or in calculating the guideline amount.

(ii) Children of the obligor who are not included in a decree of child support, but for whom the obligor is legally responsible to provide support and is supporting, shall be considered by the court as a reason for deviation from the guidelines.

(B) In calculating amounts of support for children under the guidelines, a court shall allocate an obligor's financial child support responsibility from the obligor's income equally among all children of the obligor for whom the obligor is legally responsible and shall require that payments made out of that allocation for all children of the obligor for whom the obligor is legally responsible be equal for each child. Guidelines promulgated by the department shall be consistent with the provisions of this item.

SECTION 2. Tennessee Code Annotated, Section 36-5-101(a)(1), is amended by designating the existing language as item (a)(1)(A) and by adding the following as item (a)(1)(B):

(B) For the purposes of this section, any change in income of the noncustodial obligor or the birth of another child for whom an obligor is legally responsible shall constitute a substantial and material change of circumstances for seeking a modification of the amount of a child support order.

SECTION 3. This act shall take effect January 1, 2005, the public welfare requiring it.